

Minutes of a Community Development Agency Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, December 2, 2003, at 8:00 p.m.

Present:

Robert Kozakiewicz,	Chairman
Edward Densieski,	Member
James Lull,	Member
Barbara Blass,	Member
Rose Sanders,	Member

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Absent:

Andrea Lohneiss,	Director
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Chairman Kozakiewicz: "Convene the Community Development Agency portion of the meeting. Take up Resolution #24."

Resolution #24

Member Lull: "Community Development Agency Resolution 24 authorizes the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to act as special counsel in connection with an ejection proceeding. So moved."

Member Densieski: "Second the motion."

Chairman Kozakiewicz: "Moved and seconded."

Member Blass: "Discussion."

Chairman Kozakiewicz: "Discussion, yes."

Member Blass: "I believe if you read the third Whereas clause there is some inconsistencies or at least something that doesn't make sense."

Chairman Kozakiewicz: "It says that in two instances the findings made in designating them a qualified and eligible sponsor and in connection with the representation made by Northeast Holdings, there was a condition set forth with regard to the grant of the runway lease agreement, i.e., that it was in connection with certain lands that it was in contract to purchase from. So the second word lands should be deleted but purchase from M&GBC, LLC. In other words, the proposal and the representation made and the finding made was that Northeast Holdings would have a contract with and purchase land from MGBL- MGBC, LLC which is Burman."

Member Lull: "In that same third paragraph, the fourth line, there is no need for the in at the end- "

Member Blass: "Yes, that's correct."

Member Lull: "It makes it too confusing."

Chairman Kozakiewicz: "Right, okay. Any other discussion?"

Member Blass: "Only that again we as a Board never really talked about this in executive session that I'm aware of about entering into this litigation. So I was kind of- "

Chairman Kozakiewicz: (Inaudible)

Member Blass: "I'm sorry. This was in the packet?"

Chairman Kozakiewicz: "Yes."

Dawn Thomas: (Inaudible)

Member Blass: "This resolution was in last Wednesday's packet?"

Chairman Kozakiewicz: "Any other discussion? Vote."

The Vote: "Sanders, no; Blass, no; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Chairman Kozakiewicz: "Any other business for the CDA? Not being any, adjourn, the time being 8:02 p.m."

Meeting adjourned: 8:02 p.m.

Barbara Lutton
Town Clerk

12/02/03

Adopted

TOWN OF RIVERHEAD
Community Development Agency

Resolution # 24

AUTHORIZES THE LAW FIRM OF SMITH, FINKELSTEIN,
LUNDBERG, ISLER AND YAKABOSKI, LLP, TO ACT AS SPECIAL
COUNSEL IN CONNECTION WITH AN EJECTION PROCEEDING

COUNCILMAN LULL offered the following resolution, was
seconded by COUNCILMAN DENSIESKI:

WHEREAS, pursuant to General Municipal Law and in furtherance of "urban renewal" at the EPCAL site following a public hearing held on the CDA Board determined Northeast Holdings, LLC to be a "qualified and eligible sponsor" for an urban renewal of the EPCAL site and in accordance with the Town's urban renewal plan, and

WHEREAS, in accordance with the determination that Northeast Holdings, LLC was a qualified and eligible sponsor as aforesaid, the Town of Riverhead Community Development Agency entered into an agreement with Northeast Holdings, LLC which agreement gave Northeast Holdings, LLC the ability to utilize the 10,000 foot runway at EPCAL in connection with certain property located at the site, and

WHEREAS, in accordance with Northeast Holdings, LLC's "qualified and eligible sponsor designation" and the representations made by Northeast Holdings, LLC at the public hearing on the matter, the runway use agreement authorized the use of the runway in conditioned upon the runway being used in connection with certain lands that it was in contract to purchase land from M-GBC, LLC to further its business plan, and

WHEREAS, Northeast Holdings, LLC has breached an essential term of the runway use agreement as it is no longer in contract with M-GBC, LLC, and

WHEREAS, Northeast Holdings, LLC has not requested re-designation as a qualified and eligible sponsor under New York State Urban Renewal Law, and

WHEREAS, Northeast Holdings, LLC has represented that regardless of its failure to meet the conditions of its of contract that it intends to continue to utilize the runway,

NOW, THEREFORE,

BE IT HEREBY RESOLVED, that the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, is hereby retained as special counsel in connection with the above matter and hereby authorized to commence any actions or proceedings necessary to eject Northeast Holdings, LLC from the property, and be it further

RESOLVED, that the Riverhead Town Board hereby authorizes the Supervisor to execute the attached Retainer Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, 456 Griffing Avenue, P.O. Box 389, Riverhead, New York 11901; the Office of the Town Attorney and the Office of Accounting

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☒

THEREUPON BEING ADOPTED

RETAINER AGREEMENT

AGREEMENT made this day of November __, 2003, by and between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (hereinafter the Town), and Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, P.O. Box 389, Riverhead, New York 11901 (hereinafter the Firm), pursuant to Resolution # _____ of the Town Board adopted on _____ as follows:

1. The Town retains the Firm to provide the legal services described in said resolution.
2. The Town agrees to pay the Firm at an hourly rate of \$175 and hour for partners; \$150 an hour for associates and \$85 an hour for paralegals.
3. The Town shall reimburse the Firm for actual disbursements.

TOWN OF RIVERHEAD

By: _____
ROBERT F. KOZAKIEWICZ
Town Supervisor

Smith, Finkelstein, Lundberg,
Isler and Yakaboski, LLP

By: _____
FRANK A. ISLER